

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL NAULA, ET AL.,

Plaintiffs,

- against -

RITE AID OF NEW YORK, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiffs' motion to amend the complaint is **granted**.
The defendants' motion to dismiss for lack of subject matter
jurisdiction is **denied as moot without prejudice to renewal**.

The plaintiffs shall file an amended complaint by **July 31, 2009**. The defendants may move or answer by **August 14, 2009**.
The plaintiffs may respond by **August 28, 2009**. The defendants
may reply by **September 7, 2009**.

The defendants' motion to stay the commencement of
discovery pending a determination on whether federal subject
matter jurisdiction exists in this case is **granted in part and
denied in part**. Discovery related to the pleadings and the
issue of whether CAFA jurisdiction exists may proceed.
Discovery on the merits is stayed until the defendants file an
answer or a decision on a motion to dismiss is made.

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/27/2009</u>

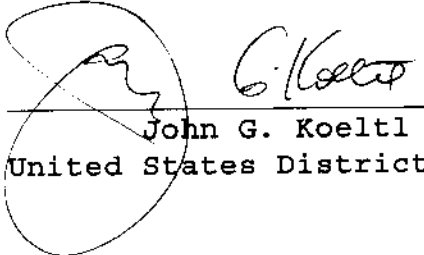
08 Civ. 11364 (JGK)

ORDER

The Clerk is directed to close Docket Nos. 10 and 29.

SO ORDERED.

Dated: New York, New York
July 27, 2008



John G. Koeltl
United States District Judge